

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No.74835

Sherrin McDowell

9725 Plowline Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on May 25, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-112, 115; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, 428, failure to clean exterior premise of all junk, trash and debris; failure to cease the illegal parking/storage of unlicensed vehicles on residential property zoned DR 5.5 known as 9725 Plowline Road, 21133.

On April 26, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Paul Cohen issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$13,600.00 (thirteen thousand six hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on March 24, 2010 for removal of untagged/inoperative motor vehicles, remove junk trash and debris from property. This Citation was issued on April 26, 2010.

B. Photographs in the file show a blue Suzuki sedan with expired tags parked in the driveway of this residential property. Photographs in the file show a Ford pickup truck with expired tags parked in the driveway. Re-inspection prior to this Hearing found the untagged vehicles still parked outside, with a cover on the pickup truck. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondent has exceeded this limitation. Respondent must put valid tags on the vehicles and make them operable, or remove them from the property.

C. Photographs show some junk, trash and debris outside, including an old water cooler, pieces of discarded lumber, and an old car battery. This violates prohibitions against the accumulation of junk, trash and debris on residential property. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

D. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violations are corrected within the time provided below. Failure to correct the violations will result in imposition of the full civil penalty, and Respondent will be subject to additional Citation and possible removal of any untagged vehicles at the property owner's expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violations are corrected by June 28, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 27th day of May 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer